IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

L.P.A No. 299 of 2003.

Date of decision : March 19, 2003.

Phool Chand,

.....Appellant

through Mr. Ashwani Talwar, Advocate

v.

The State of Haryana & another,

.....Respondents

through

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Challenge in this Letters Patent Appeal is to the judgment of the learned Single Judge, dated 19.2.2003.

The appellant was appointed as a clerk on daily wages on 18.9.1985 in the office of Chief Conservator of Forests, Haryana and was paid wages @ Rs.20.50 per day. However, no wages were paid for Saturdays, Sundays and other gazetted holidays. Subsequently, he was appointed on a fixed pay of Rs.660/- per month with no deduction of wages for Saturdays, Sundays and other gazetted holidays. His salary was subsequently enhanced to Rs.713/- per month. However, his services were terminated on 13.1.1988.

The appellant impugned his termination before this Court. The learned Single Judge, vide the impugned judgment, dismissed the writ petition by holding that the appellant was not entitled to the relief of regularization and the plea of violation of Articles 14 & 16 of the Constitution of India, was not available, as the appellant had not been appointed, after considering competing claim of all other persons eligible for the post from open market. It was also held that as no scheme of regularization covered the case of the appellant, he was not entitled to reinstatement or regularization.

We have heard learned counsel for the parties and perused the paper book.

Admittedly, the appellant was a daily wager and was recruited without following prescribed procedure and/or sending any requisition to the Employment Exchange. He had no right, in law, to claim regularization or reinstatement in service. Articles 14 & 16 of the Constitution of India, as held by the learned Single Judge, had no applicability. Even otherwise, the controversy in the present case is squarely covered, against the appellant, by a judgment of the Hon'ble Supreme Court in Secretary, State of Karnataka and others v. Umadevi(3) and others, (2006)4 SCC 1.

In view of what has been noticed herein above, as there is no merit in the present appeal, the same is dismissed as such.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

March 19, 2007.
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